

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS A. OATES, JR.,	:	CIVIL ACTION
	:	NO. 12-1177
Plaintiff,	:	
	:	
v.	:	
	:	
WELLS FARGO BANK, N.A.,	:	
	:	
Defendant.	:	

**O R D E R**

**AND NOW**, this **31st** day of **July, 2012**, for the reasons provided in the accompanying Memorandum, it is hereby **ORDERED** that Defendant's Motion to Dismiss (ECF No. 5) is **GRANTED in part** and **DENIED in part**.

The Motion is **GRANTED** as to Counts II, IV, and VI, and to the extent Plaintiff's common law claims are based on alleged violations of the Flood Disaster Protection Act. Counts II, IV, and VI are **DISMISSED**.

The Motion is **GRANTED** as to Plaintiff's demand for lost profits, and that demand is **DISMISSED** with leave to amend the demand within seven days of entry of this Order

The Motion is **DENIED** as to Counts I, III, and V.

**AND IT IS SO ORDERED.**

s/Eduardo C. Robreno  
**EDUARDO C. ROBRENO, J.**